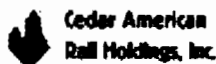


ET-7247

CG



April 23, 2008

Ms. Catherine Glidden
Surface Transportation Board
395 E Street SW
Washington, DC 20043-0001

RE: *A CLASS III CULTURAL RESOURCES INVENTORY OF EIGHT PORTIONS OF DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION'S POWDER RIVER BASIN EXPANSION PROJECT, SEGMENTS 1 AND 2, CAMPBELL, NIOBRARA, AND WESTON COUNTIES, WYOMING*

Dear Ms. Glidden:

Please find enclosed 1 copy of a final draft archaeological resources inventory and evaluation for the Powder River Basin Project (PRB Project) in Wyoming. This report was prepared by TRC and originally submitted to your office on March 2, 2007. Following a thorough review with your staff, the DM&E sent you the revised draft on July 12, 2007. Your office opened the comment period to the cooperating parties and Tribes on January 21, 2008, and to date no comments have been received. At your direction, we have printed the final drafts and provided an additional two copies to Mr. David Bibler for distribution to the South Dakota State Historic Preservation Office (SHPO).

According to Stipulation A.5 of the Programmatic Agreement, upon completion of the report review process, STB may allow construction to proceed in portions of the construction area determined to be negative for historic properties. Therefore, upon completion of the report review process, we request that STB approve for construction those portions of the project corridor covered in this report which are found to contain no historic properties, subject to other permits and approvals as applicable.

Based on the report's results, we anticipate that only site 48WE1280 at Mile Post 768 of the corridor will require additional consideration. If STB and SHPO agree that the remaining sites identified in the report are not eligible for the National Register, as recommended by the authors, then the specific portions of the corridor that contain no properties considered eligible for the National Register are identified below by corridor mile post:

Mile Post 754.59 – 757.03
Mile Post 759.12 – 759.77
Mile Post 759.82 – 767.30
Mile Post 768.16 – 772.22
Mile Post 733.28 – 735.11
Mile Post 740.01 – 741.62
Mile Post 752.74 – 754.0
Mile Post 783.04 – 786.59
Mile Post 789.73 – 792.74

DM&E recognizes that as engineering planning progresses and ancillary facilities are confirmed, alterations to the corridor may be proposed that merit additional cultural resource inventory. If any such additional inventory is required, it will be conducted in accordance with the provisions for Addendum Reports as specified at Stipulation A.3.4 of the Programmatic Agreement.

If you have any questions or if I can assist with report distribution, please contact me. In addition, advise Michael Madson (mmadson@hdrinc.com) as to the SHPO comments as they become available. We recognize that the Programmatic Agreement stipulations provide the SHPO 60 days for review and concurrence regarding determinations of eligibility. We appreciate any effort your office can make to expedite that process. We look forward to receiving SHPO's comments and recommendations, and to finalizing the report.

Sincerely,

Herb Jones
Director, Government Affairs
Dakota, Minnesota & Eastern Railroad

Cc: David Bibler, Louis Berger Group
Nathan Fleming, TRC
Doug Jackson, HDR Engineering, Inc.
Michael Madson, HDR Engineering, Inc.